

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LUIGI ABREU, :
Plaintiff, :
: 22 Civ. 1784 (LGS)
-against- :
: ORDER
S&T GLOBAL CO., :
: 22 Civ. 1784 (LGS)
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff filed the amended complaint on March 30, 2022. (Dkt. No. 8.)

WHEREAS, Defendant has not yet appeared.

WHEREAS, on May 25, 2022, Plaintiff filed a proposed Certificate of Default, which the Clerk of the Court issued the same day. (Dkt. Nos. 14, 16.)

WHEREAS, on May 26, 2022, the Court issued an Order directing Plaintiff to file his default judgment materials pursuant to Attachment A of this Court's Individual Rules by June 9, 2022. (Dkt. No. 18.)

WHEREAS, no such materials were filed by June 9, 2022.

WHEREAS, on June 14, 2022, the Court issued an Order directing Plaintiff to file his default judgment materials by June 22, 2022. (Dkt. No. 19.)

WHEREAS, no such materials were filed by June 22, 2022.

WHEREAS, on June 28, 2022, the Court issued an Order directing Plaintiff to file his default judgment materials by July 1, 2022. (Dkt. No. 20.) The June 28, 2022, Order stated, "Failure to comply with this Order will result in dismissal with prejudice for failure to prosecute." (*Id.*)

WHEREAS, no such materials were filed by July 1, 2022.

WHEREAS, Federal Rule of Civil Procedure 41(b) provides that a case may be involuntarily dismissed if a plaintiff "fails to prosecute or to comply with these rules or a court order." When

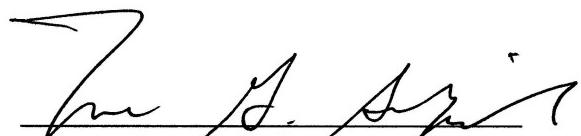
deciding whether to dismiss a case pursuant to Rule 41(b), courts must consider “(1) the duration of the plaintiff’s failure to comply with the court order, (2) whether plaintiff was on notice that failure to comply would result in dismissal, (3) whether the defendants are likely to be prejudiced by further delay in the proceedings, (4) a balancing of the court’s interest in managing its docket with the plaintiff’s interest in receiving a fair chance to be heard, and (5) whether the judge has adequately considered a sanction less drastic than dismissal.” *Heendeniya v. St. Joseph’s Hospital Health Cntr.*, 830 F. App’x 354, 357 (2d Cir. 2020) (summary order); *accord Ahmad v. White Plains City School District*, No. 18 Civ. 3416, 2021 WL 366772, at *1 (S.D.N.Y. Feb. 2, 2021).

WHEREAS, Plaintiff has failed to comply with three Court Orders, has been unresponsive since May 25, 2022, and Plaintiff was on notice that failure to comply with the Court’s June 28, 2022 Order would result in dismissal of Plaintiff’s claims. It is hereby

ORDERED that Plaintiff’s claims are **DISMISSED** pursuant to Rule 41(b), for failure to prosecute.

The Clerk of Court is respectfully directed to close the case.

Dated: July 7, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE